IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 5343 of 2007(J)

PETITIONER:

C.A.CHACKO, THUNDIYIL HOUSE, KUTTOOR VILLAGE, THIRUVALLA TALUK.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA REP. BY DISTRICT COLLECTOR, PATHANAMTHITTA.
2. REVENUE DIVISIONAL OFFICER, THIRUVALLA.
3. TAHSILDAR, THIRUVALLA.
4. VILLAGE OFFICER, KUTTOOR.
5. KUTTOOR GRAMA PANCHAYAT REP. BY ITS SECRETARY.

R1 TO R4 BY GOVT.PLEADER SRI.K.J.MOHAMMED ANSAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.5343 OF 2007

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DATED THIS THE 15TH FEBRUARY, 2007

J U D G M E N T

Government Pleader takes notice on behalf of respondents 2 to 4. He seeks time to get instructions. But since it is seen that Ext.P4 appeal has been preferred before the 2nd respondent-R.D.O. by the petitioner against Ext.P3 order, I am of the view that the 2nd respondent should be directed to take an early decision on Ext.P4.

Under these circumstances, the Writ Petition will stand disposed of with the following directions:

The 2nd respondent will suo motu implead the Secretary of the 5th respondent-Panchayat also as a party in Ext.P4 appeal. Thereafter, the 2nd respondent will dispose of Ext.P4 after hearing the petitioner and the Panchayat and on the basis of reports obtained from respondents 3 and 4. Decision as directed above will be taken by the 2nd respondent at his earliest and at any rate within two months of receiving copy of this judgment. Till such time as Ext.P4 is disposed of by the 2nd respondent, as regards the property in question, status quo obtaining as on today will be maintained.

tgl **(PIUS C. KURIAKOSE, JUDGE)**

PIUS C. KURIAKOSE, J.

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W.P.(C) No.5314 OF 2007

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DATED THIS THE 15TH FEBRUARY, 2007

O R D E R

Smt.T.B.Ramani, learned Government Pleader takes notice on behalf of respondents 1 to 3. She submits that the petitioner's version regarding the date of the pass is not convincing. However, I feel that no useful purpose will be served from anybody's point of view by allowing the lorry and the load to remain in the precincts of the police station. After all, the issue is to be adjudicated by the District Collector.

Under these circumstances, there will be an interim order in the following terms:

1. The petitioner will file an undertaking in the form of an affidavit on a stamp paper of value Rs.50/- before the 1st respondent to the effect that he will produce the lorry having Registration No.KL.4E.2262 in good running condition before the 2nd respondent or any other competent authority as and when directed in that regard.

2. The petitioner will remit cash Rs.10,000/- with the 1st respondent and obtain a receipt.

3. The 3rd respondent-Sub Inspector of Police who is presently in custody of the lorry and the load will release to the petitioner the lorry and the load upon noticing the photo copy of the affidavit submitted by the petitioner as directed above and also the original of the cash receipt issued by the 1st respondent.

It is made clear that the release as per this order is subject to the final outcome of the adjudication proceedings which are to be initiated and completed by the 2nd respondent at his earliest and at any rate within four months of receiving copy of this order.

Hand over the order.

(PIUS C. KURIAKOSE, JUDGE)

tgl

PIUS C. KURIAKOSE, J.

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W.P.(C) No. OF 200

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DATED THIS THE 14TH FEBRUARY, 2007

J U D G M E N T

(PIUS C. KURIAKOSE, JUDGE)

tgl